



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6241

Introduced 2/11/2010, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

See Index

Creates the Manufactured Home Installation Act. Provides that a manufactured home installed on private property that is not located in a mobile home park must be installed in accordance with the manufacturer's instructions and assessed and taxed as real property. Amends the Use Tax Act and Retailers' Occupation Tax Act. Provides that the tax imposed under the Acts on new mobile homes or new manufactured homes to be located outside a mobile home park shall be calculated against 40% of the selling price and against 100% of the selling price of building materials. Amends the Property Tax Code and the Mobile Home Local Services Tax Act to provide that a mobile home located outside of a mobile home park shall be assessed and taxed as real property. Provides that mobile homes that are located outside of mobile home parks and taxed under the Mobile Home Local Services Tax Act on the effective date of the amendatory Act shall not be classified, assessed, and taxed as real property until the home is sold, transferred, or relocated. Provides that mobile homes that are located inside mobile home parks must be considered chattel and must be taxed according to the Mobile Home Local Services Tax Act. Provides that the owners of certain mobile homes may file a request with the county that the home be classified, assessed, and taxed as real property. Makes other changes concerning the definitions of "mobile home" and "manufactured home". Effective immediately.

LRB096 16491 HLH 31761 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Manufactured Home Installation Act.

6 Section 3. Legislative intent. The General Assembly finds
7 that:

8 Manufactured homes provide the only affordable home
9 ownership resource for many citizens in Illinois.

10 Manufactured home parks play an essential role in meeting
11 the affordable housing needs of Illinois communities.

12 Manufactured home parks provide an unsubsidized affordable
13 housing option that meets the needs of society's most
14 vulnerable citizens: low-income and moderate-income
15 socio-economic groups, including senior citizens and others
16 that are less capable economically but still require safe and
17 affordable housing.

18 Manufactured home parks are licensed, regulated, or
19 inspected by government agencies to ensure that State, county,
20 and municipal rules and regulations are enforced.

21 Manufactured home park owners pay for and provide their
22 tenants with a substantial number of services that homeowners
23 outside a manufactured home park obtain through taxpayer funded

1 government sources and subsidies.

2 Manufactured home parks have a lease requirement that sets
3 standards of behavior and responsibility through the
4 enforcement of rules and regulations, and compliance with these
5 requirements can significantly diminish local government
6 police costs.

7 Section 5. Definitions. As used in this Act:

8 "Manufactured home" means a factory-assembled, completely
9 integrated structure designed for permanent habitation, with a
10 permanent chassis, and so constructed as to permit its
11 transport, on wheels temporarily or permanently attached to its
12 frame, and is a movable or portable unit that is (i) 8 body
13 feet or more in width, (ii) 40 body feet or more in length, and
14 (iii) 320 or more square feet, constructed to be towed on its
15 own chassis (comprised of frame and wheels) from the place of
16 its construction to the location, or subsequent locations, at
17 which it is installed and set up according to the
18 manufacturer's instructions and connected to utilities for
19 year-round occupancy for use as a permanent habitation, and
20 designed and situated so as to permit its occupancy as a
21 dwelling place for one or more persons. The term shall include
22 units containing parts that may be folded, collapsed, or
23 telescoped when being towed and that may be expected to provide
24 additional cubic capacity, and that are designed to be joined
25 into one integral unit capable of being separated again into

1 the components for repeated towing. The term shall include
2 units designed to be used for residential, commercial,
3 educational, or industrial purposes, excluding, however,
4 campers and recreational vehicles. Mobile homes and
5 manufactured homes in mobile home parks must be assessed and
6 taxed as chattel. Mobile homes and manufactured homes outside
7 of mobile home parks must be assessed and taxed as real
8 property. The words "mobile home" and "manufactured home" are
9 synonymous for the purposes of this Act and do not include an
10 immobilized mobile home as defined in Section 2.10 of the
11 Mobile Home Park Act.

12 The construction of mobile type dwellings known as
13 "manufactured homes" is regulated by the U.S. Department of
14 Housing and Urban Development. All mobile type homes
15 constructed after June 15, 1976, are manufactured homes and
16 must comply with the National Manufactured Home and
17 Construction Safety Standards; State and units of local
18 government are preempted from imposing any additional
19 construction requirements. The installation of these homes
20 must comply with the Manufactured Home Quality Assurance Act
21 and the Manufactured Home Installation Code (77 Ill. Adm. Code
22 870). The location of these homes is subject to local zoning
23 and covenant codes.

24 Section 25 of the Manufactured Home Quality Assurance Act
25 requires licensed manufactured home installers to obtain from
26 the Department of Health a Manufactured Home Installation Seal.

1 The seal is to be placed on the exterior of the manufactured
2 home above the HUD label after the installation is completed by
3 the licensed manufactured home installer, in accordance with
4 the Manufactured Home Installation Code (77 Ill. Adm. Code
5 870).

6 "Mobile home park" means a tract of land or 2 contiguous
7 tracts of land that contain sites with the necessary utilities
8 for 5 or more mobile homes or manufactured homes. A mobile home
9 park may be operated either free of charge or for revenue
10 purposes. A mobile home or manufactured home installed in a
11 mobile home park must not be assessed and taxed as real
12 property and shall be taxed under the Mobile Home Local
13 Services Tax Act.

14 Section 10. Installation requirements; classification as
15 real property.

16 (a) Except as provided in subsection (b), a mobile home or
17 manufactured home installed on private property that is not in
18 a mobile home park on or after the effective date of this Act
19 must be installed in accordance with the manufacturer's
20 instructions and classified, assessed, and taxed as real
21 property.

22 (b) Mobile homes and manufactured homes that (i) are
23 located outside of mobile home parks and (ii) are taxed under
24 the Mobile Home Local Services Tax Act on the effective date of
25 this Act must continue to be taxed under the Mobile Home Local

1 Services Tax Act and shall not be classified, assessed, and
2 taxed as real property until the home is sold or transferred or
3 until the home is relocated to a different parcel of land
4 outside of a mobile home park. If a mobile home described in
5 this subsection (b) is sold, transferred, or relocated to a
6 different parcel of land outside of a mobile home park, then
7 the home shall be classified, assessed, and taxed as real
8 property. Mobile homes and manufactured homes that are
9 classified, assessed, and taxed as real property on the
10 effective date of this Act shall continue to be classified,
11 assessed, and taxed as real property. The owner of a mobile
12 home or manufactured home that is located outside of a mobile
13 home park may file a request with the Department of Revenue
14 that the home be classified, assessed, and taxed as real
15 property.

16 (c) Mobile homes and manufactured homes that are located in
17 mobile home parks must be taxed according to the Mobile Home
18 Local Services Tax Act.

19 Section 795. The Use Tax Act is amended by adding Section
20 3-3 as follows:

21 (35 ILCS 105/3-3 new)

22 Sec. 3-3. Mobile home sales. Beginning on the effective
23 date of this amendatory Act of the 96th General Assembly, the
24 tax imposed under this Act on new mobile homes and new

1 manufactured homes to be located outside of a mobile home park
2 shall be calculated against 40% of the selling price of the
3 home and against 100% of the selling price of any other
4 building materials used in the installation and set up of the
5 home. This provision does not change the current calculation of
6 the use tax for new mobile homes to be located inside of a
7 mobile home park. There shall be no additional use tax on the
8 resale of the home after the payment of the use tax on 40% of
9 the selling price for homes outside of mobile home parks.

10 Section 800. The Retailers' Occupation Tax Act is amended
11 by adding Section 5m as follows:

12 (35 ILCS 120/5m new)

13 Sec. 5m. Mobile home sales. Beginning on the effective date
14 of this amendatory Act of the 96th General Assembly, the tax
15 imposed under this Act on new mobile homes and new manufactured
16 homes to be located outside of a mobile home park shall be
17 calculated against 40% of the selling price of the home and
18 against 100% of the selling price of any other building
19 materials used in the installation and set up of the home. This
20 provision does not change the current calculation of the
21 retailers' occupation tax for new mobile homes to be located
22 inside a mobile home park. There shall be no additional
23 retailers' occupation tax on the resale of the home after the
24 payment of the retailers' occupation tax on 40% of the selling

1 price for homes outside of mobile home parks.

2 Section 805. The Property Tax Code is amended by changing
3 Section 1-130 as follows:

4 (35 ILCS 200/1-130)

5 Sec. 1-130. Property; real property; real estate; land;
6 tract; lot.

7 (a) The land itself, with all things contained therein, and
8 also all buildings, structures and improvements, and other
9 ~~permanent~~ fixtures thereon, including all oil, gas, coal, and
10 other minerals in the land and the right to remove oil, gas and
11 other minerals, excluding coal, from the land, and all rights
12 and privileges belonging or pertaining thereto, except where
13 otherwise specified by this Code. ~~Included therein is any~~
14 ~~vehicle or similar portable structure used or so constructed as~~
15 ~~to permit its use as a dwelling place, if the structure is~~
16 ~~resting in whole on a permanent foundation.~~ Not included
17 therein are low-income housing tax credits authorized by
18 Section 42 of the Internal Revenue Code, 26 U.S.C. 42.

19 (b) Notwithstanding any other provision of law, mobile
20 homes and manufactured homes that (i) are located outside of
21 mobile home parks and (ii) are taxed under the Mobile Home
22 Local Services Tax Act on the effective date of this amendatory
23 Act of the 96th General Assembly shall continue to be taxed
24 under the Mobile Home Local Services Tax Act and shall not be

1 classified, assessed, and taxed as real property until the home
2 is sold or transferred or until the home is relocated to a
3 different parcel of land outside of a mobile home park. If a
4 mobile home described in this subsection (b) is sold,
5 transferred, or relocated to a different parcel of land outside
6 of a mobile home park, then the home shall be classified,
7 assessed, and taxed as real property. Mobile homes and
8 manufactured homes that are classified, assessed, and taxed as
9 real property on the effective date of this amendatory Act of
10 the 96th General Assembly shall continue to be classified,
11 assessed, and taxed as real property. If a mobile or
12 manufactured home that is located outside of a mobile home park
13 is relocated to a mobile home park, it must be considered
14 chattel and must be taxed according to the Mobile Home Local
15 Services Tax Act. The owner of a mobile home or manufactured
16 home that is located outside of a mobile home park may file a
17 request with the county that the home be classified, assessed,
18 and taxed as real property.

19 (c) Mobile homes and manufactured homes that are located in
20 mobile home parks must be considered chattel and must be taxed
21 according to the Mobile Home Local Services Tax Act.

22 (d) If the provisions of this Section conflict with the
23 Illinois Manufactured Housing and Mobile Home Safety Act, the
24 Mobile Home Local Services Tax Act, the Mobile Home Park Act,
25 or any other provision of law with respect to the taxation of
26 mobile homes or manufactured homes located outside of mobile

1 home parks, the provisions of this Section shall control.

2 (Source: P.A. 91-502, eff. 8-13-99.)

3 Section 810. The Mobile Home Local Services Tax Act is
4 amended by changing Sections 1 and 4 as follows:

5 (35 ILCS 515/1) (from Ch. 120, par. 1201)

6 Sec. 1.

7 (a) Except as provided in subsections (b) and (c), as ~~As~~
8 used in this Act, "manufactured home" means a
9 factory-assembled, completely integrated structure designed
10 for permanent habitation, with a permanent chassis, and so
11 constructed as to permit its transport, on wheels temporarily
12 or permanently attached to its frame, and is a movable or
13 portable unit that is (i) 8 body feet or more in width, (ii) 40
14 body feet or more in length, and (iii) 320 or more square feet,
15 constructed to be towed on its own chassis (comprised of frame
16 and wheels) from the place of its construction to the location,
17 or subsequent locations, at which it is installed and set up
18 according to the manufacturer's instructions and connected to
19 utilities for year-round occupancy for use as a permanent
20 habitation, and designed and situated so as to permit its
21 occupancy as a dwelling place for one or more persons. The term
22 shall include units containing parts that may be folded,
23 collapsed, or telescoped when being towed and that may be
24 expected to provide additional cubic capacity, and that are

1 designed to be joined into one integral unit capable of being
2 separated again into the components for repeated towing. The
3 term shall include units designed to be used for residential,
4 commercial, educational, or industrial purposes, excluding,
5 however, campers and recreational vehicles. Mobile homes and
6 manufactured homes in mobile home parks must be assessed and
7 taxed as chattel. Mobile homes and manufactured homes outside
8 of mobile home parks must be assessed and taxed as real
9 property. The words "mobile home" and "manufactured home" are
10 synonymous for the purposes of this Act and do not include an
11 immobilized mobile home as defined in Section 2.10 of the
12 Mobile Home Park Act. Any ~~"mobile home" means a factory~~
13 ~~assembled structure designed for permanent habitation and so~~
14 ~~constructed as to permit its transport on wheels, temporarily~~
15 ~~or permanently attached to its frame, from the place of its~~
16 ~~construction to the location, or subsequent locations, and~~
17 ~~placement on a temporary foundation, at which it is intended to~~
18 ~~be a permanent habitation, and situated so as to permit the~~
19 ~~occupancy thereof as a dwelling place for one or more persons,~~
20 ~~provided that any such structure located outside of a mobile~~
21 ~~home park resting in whole on a permanent foundation, with~~
22 ~~wheels, tongue and hitch removed at the time of registration~~
23 ~~provided for in Section 4 of this Act,~~ shall not be construed
24 as chattel a ~~"mobile home"~~, but must ~~shall~~ be assessed and
25 taxed as real property as defined by Section 1-130 of the
26 Property Tax Code. All mobile homes located inside mobile home

1 parks must be considered as chattel and taxed according to this
2 Act. Mobile homes owned by a corporation or partnership and on
3 which personal property taxes are paid as required under the
4 Revenue Act of 1939 shall not be subject to this tax. Mobile
5 homes located on a dealer's lot for resale purposes or as a
6 temporary an office shall not be subject to this tax.

7 (b) Mobile homes and manufactured homes that (i) are
8 located outside of mobile home parks and (ii) are taxed under
9 this Act on the effective date of this amendatory Act of the
10 96th General Assembly must continue to be taxed under this Act
11 and shall not be classified, assessed, and taxed as real
12 property until the home is sold, transferred, or relocated to a
13 different parcel of land outside of a mobile home park. If a
14 mobile home described in this subsection (b) is sold,
15 transferred, or relocated to a different parcel of land outside
16 of a mobile home park, then the home must be classified,
17 assessed, and taxed as real property. Mobile homes and
18 manufactured homes that are classified, assessed, and taxed as
19 real property on the effective date of this amendatory Act of
20 the 96th General Assembly must continue to be classified,
21 assessed, and taxed as real property. If a mobile or
22 manufactured home that is located outside of a mobile home park
23 is relocated to a mobile home park, the home must be considered
24 chattel and must be taxed according to the Mobile Home Local
25 Services Tax Act. The owner of a mobile home or manufactured
26 home that is located outside of a mobile home park may file a

1 request with the county that the home be classified, assessed,
2 and taxed as real property.

3 (c) Mobile homes and manufactured homes that are located in
4 mobile home parks must be considered chattel and must be taxed
5 according to this Act.

6 (Source: P.A. 88-670, eff. 12-2-94.)

7 (35 ILCS 515/4) (from Ch. 120, par. 1204)

8 Sec. 4. The owner of each inhabited mobile home located in
9 this State, but not located inside of a mobile home park, on
10 the effective date of this amendatory Act of the 96th General
11 Assembly Act shall, within 30 days after such date, file with
12 the township assessor, if any, or with the Supervisor of
13 Assessments or county assessor if there is no township
14 assessor, or with the county assessor in those counties in
15 which a county assessor is elected pursuant to Section 3-45 of
16 the Property Tax Code, a mobile home registration form
17 containing the information hereinafter specified and record a
18 signed copy of the title or certificate of origin in the county
19 where the home is located or surrender the signed title or
20 certificate of origin to be held by the county until such time
21 as the home is to be removed from the county. Mobile home park
22 operators shall forward a copy of the mobile home registration
23 form provided in Section 12 of "An Act to provide for, license
24 and regulate mobile homes and mobile home parks and to repeal
25 an Act named herein", approved September 8, 1971, as amended,

1 to the township assessor, if any, or to Supervisor of
2 Assessments or county assessor if there is no township
3 assessor, or to the county assessor in those counties in which
4 a county assessor is elected pursuant to Section 3-45 of the
5 Property Tax Code, within 5 days of the entry of a mobile home
6 into such park. The owner of a mobile home not located in a
7 mobile home park shall, within 30 days after initial placement
8 of such mobile home in any county and within 30 days after
9 movement of such mobile home to a new location, file with the
10 county assessor, Supervisor of Assessments or township
11 assessor, as the case may be, a mobile home registration
12 showing the name and address of the owner and every occupant of
13 the mobile home, the location of the mobile home, the year of
14 manufacture, and the square feet of floor space contained in
15 such mobile home together with the date that the mobile home
16 became inhabited, was initially installed and set up ~~placed~~ in
17 the county, or was moved to a new location. Such registration
18 shall also include the license number of such mobile home and
19 of the towing vehicle, if there be any, and the State issuing
20 such licenses. In the case of a mobile home not located in a
21 mobile home park, the ~~The~~ registration shall be signed by the
22 owner or occupant of the mobile home and the title or
23 certificate of origin shall be signed and recorded in the
24 county where the home is located or surrendered to the county
25 and held until such time the home is removed from the county.
26 Titles or certificates of origin held by a mortgage company on

1 the home shall be signed and recorded in the county where
2 located or surrendered to the county once the mortgage is
3 released. Failure to record or surrender the title or
4 certificate of origin shall not prevent the home from being
5 assessed and taxed as real property. It is the duty of each
6 township assessor, if any, and each Supervisor of Assessments
7 or county assessor if there is no township assessor, or the
8 county assessor in those counties in which a county assessor is
9 elected pursuant to Section 3-45 of the Property Tax Code, to
10 require timely filing of a properly completed registration for
11 each mobile home located in his or her township or county, as
12 the case may be. Any person furnishing misinformation for
13 purposes of registration or failing to file a required
14 registration is guilty of a Class A misdemeanor. This Section
15 applies only when the tax permitted by Section 3 has been
16 imposed on mobile homes located inside mobile home parks.

17 (Source: P.A. 88-670, eff. 12-2-94.)

18 Section 815. The Illinois Municipal Code is amended by
19 changing Section 2-3-1.1 as follows:

20 (65 ILCS 5/2-3-1.1) (from Ch. 24, par. 2-3-1.1)

21 Sec. 2-3-1.1. As used in this Division 3, "immobile
22 dwelling" means any dwelling place except a tent, camp trailer
23 or house car whether or not such tent, camp trailer or house
24 car is placed on a foundation or otherwise ~~permanently~~ affixed

1 to the realty, and except a house trailer, unless such house
2 trailer is situated on a support system ~~permanent foundation~~
3 and is assessed as real property pursuant to the Property Tax
4 Code.

5 (Source: P.A. 88-670, eff. 12-2-94.)

6 Section 900. The Mobile Home Park Act is amended by
7 changing Sections 2.1 and 2.10 as follows:

8 (210 ILCS 115/2.1) (from Ch. 111 1/2, par. 712.1)

9 Sec. 2.1. "Manufactured home" means a factory-assembled,
10 completely integrated structure designed for permanent
11 habitation, with a permanent chassis, and so constructed as to
12 permit its transport, on wheels temporarily or permanently
13 attached to its frame, and is a movable or portable unit that
14 is (i) 8 body feet or more in width, (ii) 40 body feet or more
15 in length, and (iii) 320 or more square feet, constructed to be
16 towed on its own chassis (comprised of frame and wheels) from
17 the place of its construction to the location, or subsequent
18 locations, at which it is installed and set up according to the
19 manufacturer's instructions and connected to utilities for
20 year-round occupancy for use as a permanent habitation, and
21 designed and situated so as to permit its occupancy as a
22 dwelling place for one or more persons. The term shall include
23 units containing parts that may be folded, collapsed, or
24 telescoped when being towed and that may be expected to provide

1 additional cubic capacity, and that are designed to be joined
2 into one integral unit capable of being separated again into
3 the components for repeated towing. The term shall include
4 units designed to be used for residential, commercial,
5 educational, or industrial purposes, excluding, however,
6 campers and recreational vehicles. "Mobile home" means a
7 structure designed for permanent habitation and so constructed
8 as to permit its transport on wheels, temporarily or
9 permanently attached to its frame, from the place of its
10 construction to the location, or subsequent locations, at which
11 it is intended to be a permanent habitation and designed to
12 permit the occupancy thereof as a dwelling place for 1 or more
13 persons. The term "mobile home" shall not include modular homes
14 and their support systems ~~include manufactured homes~~
15 ~~constructed after June 30, 1976, in accordance with the Federal~~
16 ~~"National Manufactured Housing Construction and Safety~~
17 ~~Standards Act of 1974".~~

18 (Source: P.A. 85-565.)

19 (210 ILCS 115/2.10) (from Ch. 111 1/2, par. 712.10)

20 Sec. 2.10. "Immobilized mobile home" means a mobile home
21 served by individual utilities, resting on a support system
22 according to the manufacturer's instructions, and ~~on a~~
23 ~~permanent perimeter foundation which extends below the~~
24 ~~established frost depth with the wheels, tongue and hitch~~
25 ~~removed and the home secured in compliance with the Mobile Home~~

1 Tiedown Act.

2 (Source: P.A. 85-565.)

3 Section 903. The Abandoned Mobile Home Act is amended by
4 changing Section 10 as follows:

5 (210 ILCS 117/10)

6 Sec. 10. Definitions.

7 "Manufactured home" means a factory-assembled, completely
8 integrated structure designed for permanent habitation, with a
9 permanent chassis, and so constructed as to permit its
10 transport, on wheels temporarily or permanently attached to its
11 frame, and is a movable or portable unit that is (i) 8 body
12 feet or more in width, (ii) 40 body feet or more in length, and
13 (iii) 320 or more square feet, constructed to be towed on its
14 own chassis (comprised of frame and wheels) from the place of
15 its construction to the location, or subsequent locations, at
16 which it is installed and set up according to the
17 manufacturer's instructions and connected to utilities for
18 year-round occupancy for use as a permanent habitation, and
19 designed and situated so as to permit its occupancy as a
20 dwelling place for one or more persons. The term shall include
21 units containing parts that may be folded, collapsed, or
22 telescoped when being towed and that may be expected to provide
23 additional cubic capacity, and that are designed to be joined
24 into one integral unit capable of being separated again into

1 the components for repeated towing. The term shall include
2 units designed to be used for residential, commercial,
3 educational, or industrial purposes, excluding, however,
4 campers and recreational vehicles. "Mobile home" means a
5 ~~structure designed for permanent habitation and constructed to~~
6 ~~permit its transport on wheels, temporarily or permanently~~
7 ~~attached to its frame, from its place of construction to a~~
8 ~~location where it is intended to be a permanent habitation.~~
9 ~~"Mobile home" does not include a structure that is served by~~
10 ~~individual utilities and that rests on a permanent foundation~~
11 ~~with its wheels, tongue, and hitch permanently removed.~~

12 "Abandoned mobile home" means a mobile home that has no
13 owner currently residing in the mobile home or authorized
14 tenant of the owner currently residing in the mobile home to
15 the best knowledge of the municipality; has had its
16 electricity, natural gas, sewer, and water payments declared
17 delinquent by the utility companies that are providing such
18 services; and for which the Mobile Home Privilege Tax, imposed
19 under the Mobile Home Local Services Tax Act, is delinquent for
20 at least 3 months.

21 "Municipality" means any city, village, incorporated town,
22 or its duly authorized agent. If an abandoned mobile home is
23 located in an unincorporated area, the county where the mobile
24 home is located shall have all powers granted to a municipality
25 under this Act.

26 (Source: P.A. 88-516.)

1 Section 905. The Illinois Manufactured Housing and Mobile
2 Home Safety Act is amended by changing Section 2 as follows:

3 (430 ILCS 115/2) (from Ch. 67 1/2, par. 502)

4 Sec. 2. Unless clearly indicated otherwise by the context,
5 the following words and terms when used in this Act, for the
6 purpose of this Act, shall have the following meanings:

7 (a) "Manufactured home" means a factory-assembled,
8 completely integrated structure designed for permanent
9 habitation, with a permanent chassis, and so constructed as to
10 permit its transport, on wheels temporarily or permanently
11 attached to its frame, and is a movable or portable unit that
12 is (i) 8 body feet or more in width, (ii) 40 body feet or more
13 in length, and (iii) 320 or more square feet, constructed to be
14 towed on its own chassis (comprised of frame and wheels) from
15 the place of its construction to the location, or subsequent
16 locations, at which it is installed and set up according to the
17 manufacturer's instructions and connected to utilities for
18 year-round occupancy for use as a permanent habitation, and
19 designed and situated so as to permit its occupancy as a
20 dwelling place for one or more persons. The term shall include
21 units containing parts that may be folded, collapsed, or
22 telescoped when being towed and that may be expected to provide
23 additional cubic capacity, and that are designed to be joined
24 into one integral unit capable of being separated again into

1 the components for repeated towing. The term shall include
2 units designed to be used for residential, commercial,
3 educational, or industrial purposes, excluding, however,
4 campers and recreational vehicles. The terms "mobile home" and
5 "manufactured home" do not include modular homes or
6 manufactured housing units. "Mobile home" means a movable or
7 ~~portable unit, which is 8 body feet or more in width and is 32~~
8 ~~body feet or more in length, and constructed to be towed on its~~
9 ~~own chassis (comprised of frame and wheels) from the place of~~
10 ~~construction to the location or subsequent locations, subject~~
11 ~~to the provisions of Chapter 15 of The Illinois Vehicle Code,~~
12 ~~and designed to be used without a permanent foundation and~~
13 ~~connected to utilities for year round occupancy with or without~~
14 ~~a permanent foundation. The term shall include: (1) units~~
15 ~~containing parts that may be folded, collapsed, or telescoped~~
16 ~~when being towed and that may be expanded to provide additional~~
17 ~~cubic capacity, and (2) units composed of two or more~~
18 ~~separately towable components designed to be joined into one~~
19 ~~integral unit capable of being separated again into the~~
20 ~~components for repeated towing. The term shall include units~~
21 ~~designed to be used for residential, commercial, educational or~~
22 ~~industrial purposes, excluding, however, recreational~~
23 ~~vehicles.~~

24 (b) "Person" means a person, partnership, corporation, or
25 other legal entity.

26 (c) "Manufacturer" means any person who manufactures

1 mobile homes or manufactured housing at the place or places,
2 either on or away from the building site, at which machinery,
3 equipment and other capital goods are assembled and operated
4 for the purpose of making, fabricating, forming or assembling
5 mobile homes or manufactured housing.

6 (d) "Department" means the Department of Public Health.

7 (e) "Director" means the Director of the Department of
8 Public Health.

9 (f) "Dealer" means any person, other than a manufacturer,
10 as defined in this Act, who sells 3 or more mobile homes or
11 manufactured housing units in any consecutive 12-month period.

12 (g) "Codes" means the safety codes for manufactured housing
13 and mobile homes promulgated by the Department. The Codes shall
14 contain the standards and requirements for manufactured
15 housing and mobile homes so that adequate performance for the
16 intended use is made the test of acceptability. The Code of
17 Standards shall permit the use of new and used technology,
18 techniques, methods and materials, for both manufactured
19 housing and mobile homes, consistent with recognized and
20 accepted standards adopted by the Building Officials
21 Conference of America, the International Conference of
22 Building Officials, the Southern Building Codes Congress, the
23 National Fire Protection Association, the International
24 Association of Plumbing and Mechanical Officials, the American
25 National Standards Institute, the Illinois State Plumbing
26 Code, and the United States Department of Housing and Urban

1 Development, hereinafter referred to as "HUD", applying to
2 manufactured housing and mobile homes placed on a support
3 system specified by the home's manufacturer. A copy of said
4 safety codes, including said revisions thereof is on file with
5 the Department.

6 (h) "Seal" means a device or insignia issued by the
7 Department to be displayed on the exterior of the mobile home
8 or the interior of a manufactured housing unit or modular home
9 to evidence compliance with the applicable safety code.

10 (i) "Modular home" ~~"Manufactured housing" or "manufactured~~
11 ~~housing unit"~~ means a building assembly or system of building
12 sub-assemblies, designed for habitation as a dwelling for one
13 or more persons, including the necessary electrical, plumbing,
14 heating, ventilating and other service systems, which is of
15 closed or open construction and which is made or assembled by a
16 manufacturer, on or off the building site, for installation, or
17 assembly and installation, on the building site, installed and
18 set up according to the manufacturer's instructions on an
19 approved foundation and support system. The construction of
20 modular dwelling units located in Illinois is regulated by the
21 Illinois Department of Public Health. ~~with a permanent~~
22 ~~foundation.~~

23 (j) "Closed construction" is any building, component,
24 assembly or system manufactured in such a manner that all
25 portions cannot readily be inspected at the installation site
26 without disassembly, damage to, or destruction thereof.

1 (k) "Open construction" is any building, component,
2 assembly or system manufactured in such a manner that all
3 portions can be readily inspected at the installation site
4 without disassembly, damage to, or destruction thereof.

5 (l) "Approved foundation and support system" ~~"Permanent~~
6 ~~foundation"~~ means, for a modular home or modular dwelling unit,
7 a closed perimeter formation consisting of materials such as
8 concrete, mortared concrete block, or mortared brick extending
9 into the ground below the frost line which shall include, but
10 not necessarily be limited to, cellars, basements, or crawl
11 spaces, and does include ~~but does exclude~~ the use of piers
12 supporting the marriage wall of the home that extend below the
13 frost line.

14 (m) "Code compliance certificate" means the certificate
15 provided by the manufacturer to the Department that warrants
16 that the manufactured housing unit or mobile home complies with
17 the applicable code.

18 (n) "Manufactured housing", "manufactured housing unit",
19 "modular dwelling", and "modular home" shall not be confused
20 with "manufactured home" or "mobile home".

21 (Source: P.A. 79-731.)

22 Section 910. The Manufactured Home Quality Assurance Act is
23 amended by changing Section 10 as follows:

24 (430 ILCS 117/10)

1 Sec. 10. Definitions. In this Act:

2 "Department" means the Illinois Department of Public
3 Health.

4 "Licensed installer" means a person who has successfully
5 completed a manufactured home installation course approved by
6 the Department and paid the required fees.

7 "Manufactured home" means a factory-assembled, completely
8 integrated structure designed for permanent habitation, with a
9 permanent chassis, and so constructed as to permit its
10 transport, on wheels temporarily or permanently attached to its
11 frame, and is a movable or portable unit that is (i) 8 body
12 feet or more in width, (ii) 40 body feet or more in length, and
13 (iii) 320 or more square feet, constructed to be towed on its
14 own chassis (comprised of frame and wheels) from the place of
15 its construction to the location, or subsequent locations, at
16 which it is installed and set up according to the
17 manufacturer's instructions and connected to utilities for
18 year-round occupancy for use as a permanent habitation, and
19 designed and situated so as to permit its occupancy as a
20 dwelling place for one or more persons. The term shall include
21 units containing parts that may be folded, collapsed, or
22 telescoped when being towed and that may be expected to provide
23 additional cubic capacity, and that are designed to be joined
24 into one integral unit capable of being separated again into
25 the components for repeated towing. The term shall include
26 units designed to be used for residential, commercial,

1 educational, or industrial purposes, excluding, however,
2 campers and recreational vehicles. "Manufactured home" is
3 synonymous with "mobile home" and means a structure that is a
4 factory-assembled, completely integrated structure designed
5 for permanent habitation, with a permanent chassis and so
6 constructed as to permit its transport, on wheels temporarily
7 or permanently attached to its frame, from the place of its
8 construction to the location, or subsequent locations, at which
9 it is placed on a support system for use as a permanent
10 habitation, and designed and situated so as to permit its
11 occupancy as a dwelling place for one or more persons;
12 provided, that any such structure resting wholly on a permanent
13 foundation, which is a continuous perimeter foundation of
14 material such as mortared concrete block, mortared brick, or
15 concrete which extends into the ground below the established
16 frost depth and to which the home is secured with foundation
17 bolts at least one half inch in diameter, spaced at intervals
18 of no more than 6 feet and within one foot of the corners, and
19 embedded at least 7 inches into concrete foundations or 15
20 inches into block foundations, shall not be construed as a
21 mobile home or manufactured home. The term "manufactured home"
22 includes manufactured homes constructed after June 30, 1976 in
23 accordance with the federal National Manufactured Housing
24 Construction and Safety Standards Act of 1974 and does not
25 include an immobilized mobile home as defined in Section 2.10
26 of the Mobile Home Park Act.

1 "Manufacturer" means a manufacturer of a manufactured
2 home, whether the manufacturer is located within or outside of
3 the State of Illinois.

4 "Mobile home" or "manufactured home" does not include a
5 modular home. ~~means a manufactured home.~~

6 "Mobile home park" means a tract of land or 2 contiguous
7 tracts of land that contain sites with the necessary utilities
8 for 5 or more mobile homes or manufactured homes. A mobile home
9 park may be operated either free of charge or for revenue
10 purposes. ~~a tract of land or 2 or more contiguous tracts of~~
11 ~~land which contain sites with the necessary utilities for 5 or~~
12 ~~more manufactured homes either free of charge or for revenue~~
13 ~~purposes.~~

14 (Source: P.A. 92-410, eff. 1-1-02.)

15 Section 915. The Mobile Home Landlord and Tenant Rights Act
16 is amended by changing Section 3 as follows:

17 (765 ILCS 745/3) (from Ch. 80, par. 203)

18 Sec. 3. Definitions. Unless otherwise expressly defined,
19 all terms in this Act shall be construed to have their
20 ordinarily accepted meanings or such meaning as the context
21 therein requires.

22 (a) "Person" means any legal entity, including but not
23 limited to, an individual, firm, partnership, association,
24 trust, joint stock company, corporation or successor of any of

1 the foregoing.

2 (b) "Manufactured home" means a factory-assembled,
3 completely integrated structure designed for permanent
4 habitation, with a permanent chassis, and so constructed as to
5 permit its transport, on wheels temporarily or permanently
6 attached to its frame, and is a movable or portable unit that
7 is (i) 8 body feet or more in width, (ii) 40 body feet or more
8 in length, and (iii) 320 or more square feet, constructed to be
9 towed on its own chassis (comprised of frame and wheels) from
10 the place of its construction to the location, or subsequent
11 locations, at which it is installed and set up according to the
12 manufacturer's instructions and connected to utilities for
13 year-round occupancy for use as a permanent habitation, and
14 designed and situated so as to permit its occupancy as a
15 dwelling place for one or more persons. The term shall include
16 units containing parts that may be folded, collapsed, or
17 telescoped when being towed and that may be expected to provide
18 additional cubic capacity, and that are designed to be joined
19 into one integral unit capable of being separated again into
20 the components for repeated towing. The term shall include
21 units designed to be used for residential, commercial,
22 educational, or industrial purposes, excluding, however,
23 campers and recreational vehicles. "Mobile Home" means a
24 structure designed for permanent habitation and so constructed
25 as to permit its transport on wheels, temporarily or
26 permanently attached to its frame, from the place of its

1 ~~construction to the location or subsequent locations at which~~
2 ~~it is intended to be a permanent habitation and designed to~~
3 ~~permit the occupancy thereof as a dwelling place of one or more~~
4 ~~persons, provided that any such structure served by individual~~
5 ~~utilities and resting on a permanent foundation, with wheels,~~
6 ~~tongue and hitch permanently removed, shall not be construed as~~
7 ~~a "mobile home".~~

8 (c) "Mobile Home Park" or "Park" means a tract of land or 2
9 contiguous tracts of land that contain sites with the necessary
10 utilities for 5 or more mobile homes or manufactured homes. A
11 mobile home park may be operated either free of charge or for
12 revenue purposes. ~~an area of land or lands upon which five or~~
13 ~~more independent mobile homes are harbored for rent.~~

14 (d) "Park Owner" means the owner of a mobile home park and
15 any person authorized to exercise any aspect of the management
16 of the premises, including any person who directly or
17 indirectly receives rents and has no obligation to deliver the
18 whole of such receipts to another person.

19 (e) "Tenant" means any person who occupies a mobile home
20 rental unit for dwelling purposes or a lot on which he parks a
21 mobile home for an agreed upon consideration.

22 (f) "Rent" means any money or other consideration given for
23 the right of use, possession and occupancy of property, be it a
24 lot, a ~~or~~ mobile home, or both.

25 (g) "Master antenna television service" means any and all
26 services provided by or through the facilities of any closed

1 circuit coaxial cable communication system, or any microwave or
2 similar transmission services other than a community antenna
3 television system as defined in Section 11-42-11 of the
4 Illinois Municipal Code.

5 (Source: P.A. 85-990.)

6 Section 920. The Uniform Commercial Code is amended by
7 changing Section 9-102 as follows:

8 (810 ILCS 5/9-102) (from Ch. 26, par. 9-102)

9 Sec. 9-102. Definitions and index of definitions.

10 (a) Article 9 definitions. In this Article:

11 (1) "Accession" means goods that are physically united
12 with other goods in such a manner that the identity of the
13 original goods is not lost.

14 (2) "Account", except as used in "account for", means a
15 right to payment of a monetary obligation, whether or not
16 earned by performance, (i) for property that has been or is
17 to be sold, leased, licensed, assigned, or otherwise
18 disposed of, (ii) for services rendered or to be rendered,
19 (iii) for a policy of insurance issued or to be issued,
20 (iv) for a secondary obligation incurred or to be incurred,
21 (v) for energy provided or to be provided, (vi) for the use
22 or hire of a vessel under a charter or other contract,
23 (vii) arising out of the use of a credit or charge card or
24 information contained on or for use with the card, or

1 (viii) as winnings in a lottery or other game of chance
2 operated or sponsored by a State, governmental unit of a
3 State, or person licensed or authorized to operate the game
4 by a State or governmental unit of a State. The term
5 includes health-care-insurance receivables. The term does
6 not include (i) rights to payment evidenced by chattel
7 paper or an instrument, (ii) commercial tort claims, (iii)
8 deposit accounts, (iv) investment property, (v)
9 letter-of-credit rights or letters of credit, or (vi)
10 rights to payment for money or funds advanced or sold,
11 other than rights arising out of the use of a credit or
12 charge card or information contained on or for use with the
13 card.

14 (3) "Account debtor" means a person obligated on an
15 account, chattel paper, or general intangible. The term
16 does not include persons obligated to pay a negotiable
17 instrument, even if the instrument constitutes part of
18 chattel paper.

19 (4) "Accounting", except as used in "accounting for",
20 means a record:

21 (A) authenticated by a secured party;

22 (B) indicating the aggregate unpaid secured
23 obligations as of a date not more than 35 days earlier
24 or 35 days later than the date of the record; and

25 (C) identifying the components of the obligations
26 in reasonable detail.

1 (5) "Agricultural lien" means an interest, other than a
2 security interest, in farm products:

3 (A) which secures payment or performance of an
4 obligation for goods or services furnished in
5 connection with a debtor's farming operation;

6 (B) which is created by statute in favor of a
7 person that in the ordinary course of its business
8 furnished goods or services to a debtor in connection
9 with a debtor's farming operation; and

10 (C) whose effectiveness does not depend on the
11 person's possession of the personal property.

12 (6) "As-extracted collateral" means:

13 (A) oil, gas, or other minerals that are subject to
14 a security interest that:

15 (i) is created by a debtor having an interest
16 in the minerals before extraction; and

17 (ii) attaches to the minerals as extracted; or

18 (B) accounts arising out of the sale at the
19 wellhead or minehead of oil, gas, or other minerals in
20 which the debtor had an interest before extraction.

21 (7) "Authenticate" means:

22 (A) to sign; or

23 (B) to execute or otherwise adopt a symbol, or
24 encrypt or similarly process a record in whole or in
25 part, with the present intent of the authenticating
26 person to identify the person and adopt or accept a

1 record.

2 (8) "Bank" means an organization that is engaged in the
3 business of banking. The term includes savings banks,
4 savings and loan associations, credit unions, and trust
5 companies.

6 (9) "Cash proceeds" means proceeds that are money,
7 checks, deposit accounts, or the like.

8 (10) "Certificate of title" means a certificate of
9 title with respect to which a statute provides for the
10 security interest in question to be indicated on the
11 certificate as a condition or result of the security
12 interest's obtaining priority over the rights of a lien
13 creditor with respect to the collateral.

14 (11) "Chattel paper" means a record or records that
15 evidence both a monetary obligation and a security interest
16 in specific goods, a security interest in specific goods
17 and software used in the goods, a security interest in
18 specific goods and license of software used in the goods, a
19 lease of specific goods, or a lease of specified goods and
20 a license of software used in the goods. In this paragraph,
21 "monetary obligation" means a monetary obligation secured
22 by the goods or owed under a lease of the goods and
23 includes a monetary obligation with respect to software
24 used in the goods. The term does not include (i) charters
25 or other contracts involving the use or hire of a vessel or
26 (ii) records that evidence a right to payment arising out

1 of the use of a credit or charge card or information
2 contained on or for use with the card. If a transaction is
3 evidenced by records that include an instrument or series
4 of instruments, the group of records taken together
5 constitutes chattel paper.

6 (12) "Collateral" means the property subject to a
7 security interest or agricultural lien. The term includes:

8 (A) proceeds to which a security interest
9 attaches;

10 (B) accounts, chattel paper, payment intangibles,
11 and promissory notes that have been sold; and

12 (C) goods that are the subject of a consignment.

13 (13) "Commercial tort claim" means a claim arising in
14 tort with respect to which:

15 (A) the claimant is an organization; or

16 (B) the claimant is an individual and the claim:

17 (i) arose in the course of the claimant's
18 business or profession; and

19 (ii) does not include damages arising out of
20 personal injury to or the death of an individual.

21 (14) "Commodity account" means an account maintained
22 by a commodity intermediary in which a commodity contract
23 is carried for a commodity customer.

24 (15) "Commodity contract" means a commodity futures
25 contract, an option on a commodity futures contract, a
26 commodity option, or another contract if the contract or

1 option is:

2 (A) traded on or subject to the rules of a board of
3 trade that has been designated as a contract market for
4 such a contract pursuant to federal commodities laws;
5 or

6 (B) traded on a foreign commodity board of trade,
7 exchange, or market, and is carried on the books of a
8 commodity intermediary for a commodity customer.

9 (16) "Commodity customer" means a person for which a
10 commodity intermediary carries a commodity contract on its
11 books.

12 (17) "Commodity intermediary" means a person that:

13 (A) is registered as a futures commission merchant
14 under federal commodities law; or

15 (B) in the ordinary course of its business provides
16 clearance or settlement services for a board of trade
17 that has been designated as a contract market pursuant
18 to federal commodities law.

19 (18) "Communicate" means:

20 (A) to send a written or other tangible record;

21 (B) to transmit a record by any means agreed upon
22 by the persons sending and receiving the record; or

23 (C) in the case of transmission of a record to or
24 by a filing office, to transmit a record by any means
25 prescribed by filing-office rule.

26 (19) "Consignee" means a merchant to which goods are

1 delivered in a consignment.

2 (20) "Consignment" means a transaction, regardless of
3 its form, in which a person delivers goods to a merchant
4 for the purpose of sale and:

5 (A) the merchant:

6 (i) deals in goods of that kind under a name
7 other than the name of the person making delivery;

8 (ii) is not an auctioneer; and

9 (iii) is not generally known by its creditors
10 to be substantially engaged in selling the goods of
11 others;

12 (B) with respect to each delivery, the aggregate
13 value of the goods is \$1,000 or more at the time of
14 delivery;

15 (C) the goods are not consumer goods immediately
16 before delivery; and

17 (D) the transaction does not create a security
18 interest that secures an obligation.

19 (21) "Consignor" means a person that delivers goods to
20 a consignee in a consignment.

21 (22) "Consumer debtor" means a debtor in a consumer
22 transaction.

23 (23) "Consumer goods" means goods that are used or
24 bought for use primarily for personal, family, or household
25 purposes.

26 (24) "Consumer-goods transaction" means a consumer

1 transaction in which:

2 (A) an individual incurs an obligation primarily
3 for personal, family, or household purposes; and

4 (B) a security interest in consumer goods secures
5 the obligation.

6 (25) "Consumer obligor" means an obligor who is an
7 individual and who incurred the obligation as part of a
8 transaction entered into primarily for personal, family,
9 or household purposes.

10 (26) "Consumer transaction" means a transaction in
11 which (i) an individual incurs an obligation primarily for
12 personal, family, or household purposes, (ii) a security
13 interest secures the obligation, and (iii) the collateral
14 is held or acquired primarily for personal, family, or
15 household purposes. The term includes consumer-goods
16 transactions.

17 (27) "Continuation statement" means an amendment of a
18 financing statement which:

19 (A) identifies, by its file number, the initial
20 financing statement to which it relates; and

21 (B) indicates that it is a continuation statement
22 for, or that it is filed to continue the effectiveness
23 of, the identified financing statement.

24 (28) "Debtor" means:

25 (A) a person having an interest, other than a
26 security interest or other lien, in the collateral,

1 bushes; and

2 (ii) aquatic goods produced in aquacultural
3 operations;

4 (B) livestock, born or unborn, including aquatic
5 goods produced in aquacultural operations;

6 (C) supplies used or produced in a farming
7 operation; or

8 (D) products of crops or livestock in their
9 unmanufactured states.

10 (35) "Farming operation" means raising, cultivating,
11 propagating, fattening, grazing, or any other farming,
12 livestock, or aquacultural operation.

13 (36) "File number" means the number assigned to an
14 initial financing statement pursuant to Section 9-519(a).

15 (37) "Filing office" means an office designated in
16 Section 9-501 as the place to file a financing statement.

17 (38) "Filing-office rule" means a rule adopted
18 pursuant to Section 9-526.

19 (39) "Financing statement" means a record or records
20 composed of an initial financing statement and any filed
21 record relating to the initial financing statement.

22 (40) "Fixture filing" means the filing of a financing
23 statement covering goods that are or are to become fixtures
24 and satisfying Section 9-502(a) and (b). The term includes
25 the filing of a financing statement covering goods of a
26 transmitting utility which are or are to become fixtures.

1 (41) "Fixtures" means goods that have become so related
2 to particular real property that an interest in them arises
3 under real property law.

4 (42) "General intangible" means any personal property,
5 including things in action, other than accounts, chattel
6 paper, commercial tort claims, deposit accounts,
7 documents, goods, instruments, investment property,
8 letter-of-credit rights, letters of credit, money, and
9 oil, gas, or other minerals before extraction. The term
10 includes payment intangibles and software.

11 (43) "Good faith" means honesty in fact and the
12 observance of reasonable commercial standards of fair
13 dealing.

14 (44) "Goods" means all things that are movable when a
15 security interest attaches. The term includes (i)
16 fixtures, (ii) standing timber that is to be cut and
17 removed under a conveyance or contract for sale, (iii) the
18 unborn young of animals, (iv) crops grown, growing, or to
19 be grown, even if the crops are produced on trees, vines,
20 or bushes, and (v) manufactured homes. The term also
21 includes a computer program embedded in goods and any
22 supporting information provided in connection with a
23 transaction relating to the program if (i) the program is
24 associated with the goods in such a manner that it
25 customarily is considered part of the goods, or (ii) by
26 becoming the owner of the goods, a person acquires a right

1 to use the program in connection with the goods. The term
2 does not include a computer program embedded in goods that
3 consist solely of the medium in which the program is
4 embedded. The term also does not include accounts, chattel
5 paper, commercial tort claims, deposit accounts,
6 documents, general intangibles, instruments, investment
7 property, letter-of-credit rights, letters of credit,
8 money, or oil, gas, or other minerals before extraction.

9 (45) "Governmental unit" means a subdivision, agency,
10 department, county, parish, municipality, or other unit of
11 the government of the United States, a State, or a foreign
12 country. The term includes an organization having a
13 separate corporate existence if the organization is
14 eligible to issue debt on which interest is exempt from
15 income taxation under the laws of the United States.

16 (46) "Health-care-insurance receivable" means an
17 interest in or claim under a policy of insurance which is a
18 right to payment of a monetary obligation for health-care
19 goods or services provided.

20 (47) "Instrument" means a negotiable instrument or any
21 other writing that evidences a right to the payment of a
22 monetary obligation, is not itself a security agreement or
23 lease, and is of a type that in ordinary course of business
24 is transferred by delivery with any necessary indorsement
25 or assignment. The term does not include (i) investment
26 property, (ii) letters of credit, (iii) nonnegotiable

1 certificates of deposit, (iv) uncertificated certificates
2 of deposit, (v) nontransferrable certificates of deposit,
3 or (vi) writings that evidence a right to payment arising
4 out of the use of a credit or charge card or information
5 contained on or for use with the card.

6 (48) "Inventory" means goods, other than farm
7 products, which:

8 (A) are leased by a person as lessor;

9 (B) are held by a person for sale or lease or to be
10 furnished under a contract of service;

11 (C) are furnished by a person under a contract of
12 service; or

13 (D) consist of raw materials, work in process, or
14 materials used or consumed in a business.

15 (49) "Investment property" means a security, whether
16 certificated or uncertificated, security entitlement,
17 securities account, commodity contract, or commodity
18 account.

19 (50) "Jurisdiction of organization", with respect to a
20 registered organization, means the jurisdiction under
21 whose law the organization is organized.

22 (51) "Letter-of-credit right" means a right to payment
23 or performance under a letter of credit, whether or not the
24 beneficiary has demanded or is at the time entitled to
25 demand payment or performance. The term does not include
26 the right of a beneficiary to demand payment or performance

1 under a letter of credit.

2 (52) "Lien creditor" means:

3 (A) a creditor that has acquired a lien on the
4 property involved by attachment, levy, or the like;

5 (B) an assignee for benefit of creditors from the
6 time of assignment;

7 (C) a trustee in bankruptcy from the date of the
8 filing of the petition; or

9 (D) a receiver in equity from the time of
10 appointment.

11 (53) "Manufactured home" means a factory-assembled,
12 completely integrated structure designed for permanent
13 habitation, with a permanent chassis, and so constructed as
14 to permit its transport, on wheels temporarily or
15 permanently attached to its frame, and is a movable or
16 portable unit that is (i) 8 body feet or more in width,
17 (ii) 40 body feet or more in length, and (iii) 320 or more
18 square feet, constructed to be towed on its own chassis
19 (comprised of frame and wheels) from the place of its
20 construction to the location, or subsequent locations, at
21 which it is installed and set up according to the
22 manufacturer's instructions and connected to utilities for
23 year-round occupancy for use as a permanent habitation, and
24 designed and situated so as to permit its occupancy as a
25 dwelling place for one or more persons. The term shall
26 include units containing parts that may be folded,

1 collapsed, or telescoped when being towed and that may be
2 expected to provide additional cubic capacity, and that are
3 designed to be joined into one integral unit capable of
4 being separated again into the components for repeated
5 towing. The term shall include units designed to be used
6 for residential, commercial, educational, or industrial
7 purposes, excluding, however, campers and recreational
8 vehicles. "Manufactured home" means a structure,
9 ~~transportable in one or more sections, which, in the~~
10 ~~traveling mode, is eight body feet or more in width or 40~~
11 ~~body feet or more in length, or, when erected on site, is~~
12 ~~320 or more square feet, and which is built on a permanent~~
13 ~~chassis and designed to be used as a dwelling with or~~
14 ~~without a permanent foundation when connected to the~~
15 ~~required utilities, and includes the plumbing, heating,~~
16 ~~air conditioning, and electrical systems contained~~
17 ~~therein. The term includes any structure that meets all of~~
18 ~~the requirements of this paragraph except the size~~
19 ~~requirements and with respect to which the manufacturer~~
20 ~~voluntarily files a certification required by the United~~
21 ~~States Secretary of Housing and Urban Development and~~
22 ~~complies with the standards established under Title 42 of~~
23 ~~the United States Code.~~

24 (54) "Manufactured-home transaction" means a secured
25 transaction:

26 (A) that creates a purchase-money security

1 interest in a manufactured home, other than a
2 manufactured home held as inventory; or

3 (B) in which a manufactured home, other than a
4 manufactured home held as inventory, is the primary
5 collateral.

6 (55) "Mortgage" means a consensual interest in real
7 property, including fixtures, which secures payment or
8 performance of an obligation.

9 (56) "New debtor" means a person that becomes bound as
10 debtor under Section 9-203(d) by a security agreement
11 previously entered into by another person.

12 (57) "New value" means (i) money, (ii) money's worth in
13 property, services, or new credit, or (iii) release by a
14 transferee of an interest in property previously
15 transferred to the transferee. The term does not include an
16 obligation substituted for another obligation.

17 (58) "Noncash proceeds" means proceeds other than cash
18 proceeds.

19 (59) "Obligor" means a person that, with respect to an
20 obligation secured by a security interest in or an
21 agricultural lien on the collateral, (i) owes payment or
22 other performance of the obligation, (ii) has provided
23 property other than the collateral to secure payment or
24 other performance of the obligation, or (iii) is otherwise
25 accountable in whole or in part for payment or other
26 performance of the obligation. The term does not include

1 issuers or nominated persons under a letter of credit.

2 (60) "Original debtor", except as used in Section
3 9-310(c), means a person that, as debtor, entered into a
4 security agreement to which a new debtor has become bound
5 under Section 9-203(d).

6 (61) "Payment intangible" means a general intangible
7 under which the account debtor's principal obligation is a
8 monetary obligation.

9 (62) "Person related to", with respect to an
10 individual, means:

11 (A) the spouse of the individual;

12 (B) a brother, brother-in-law, sister, or
13 sister-in-law of the individual;

14 (C) an ancestor or lineal descendant of the
15 individual or the individual's spouse; or

16 (D) any other relative, by blood or marriage, of
17 the individual or the individual's spouse who shares
18 the same home with the individual.

19 (63) "Person related to", with respect to an
20 organization, means:

21 (A) a person directly or indirectly controlling,
22 controlled by, or under common control with the
23 organization;

24 (B) an officer or director of, or a person
25 performing similar functions with respect to, the
26 organization;

1 (C) an officer or director of, or a person
2 performing similar functions with respect to, a person
3 described in subparagraph (A);

4 (D) the spouse of an individual described in
5 subparagraph (A), (B), or (C); or

6 (E) an individual who is related by blood or
7 marriage to an individual described in subparagraph
8 (A), (B), (C), or (D) and shares the same home with the
9 individual.

10 (64) "Proceeds", except as used in Section 9-609(b),
11 means the following property:

12 (A) whatever is acquired upon the sale, lease,
13 license, exchange, or other disposition of collateral;

14 (B) whatever is collected on, or distributed on
15 account of, collateral;

16 (C) rights arising out of collateral;

17 (D) to the extent of the value of collateral,
18 claims arising out of the loss, nonconformity, or
19 interference with the use of, defects or infringement
20 of rights in, or damage to, the collateral; or

21 (E) to the extent of the value of collateral and to
22 the extent payable to the debtor or the secured party,
23 insurance payable by reason of the loss or
24 nonconformity of, defects or infringement of rights
25 in, or damage to, the collateral.

26 (65) "Promissory note" means an instrument that

1 evidences a promise to pay a monetary obligation, does not
2 evidence an order to pay, and does not contain an
3 acknowledgment by a bank that the bank has received for
4 deposit a sum of money or funds.

5 (66) "Proposal" means a record authenticated by a
6 secured party which includes the terms on which the secured
7 party is willing to accept collateral in full or partial
8 satisfaction of the obligation it secures pursuant to
9 Sections 9-620, 9-621, and 9-622.

10 (67) "Public-finance transaction" means a secured
11 transaction in connection with which:

12 (A) debt securities are issued;

13 (B) all or a portion of the securities issued have
14 an initial stated maturity of at least 20 years; and

15 (C) the debtor, obligor, secured party, account
16 debtor or other person obligated on collateral,
17 assignor or assignee of a secured obligation, or
18 assignor or assignee of a security interest is a State
19 or a governmental unit of a State.

20 (68) "Pursuant to commitment", with respect to an
21 advance made or other value given by a secured party, means
22 pursuant to the secured party's obligation, whether or not
23 a subsequent event of default or other event not within the
24 secured party's control has relieved or may relieve the
25 secured party from its obligation.

26 (69) "Record", except as used in "for record", "of

1 record", "record or legal title", and "record owner", means
2 information that is inscribed on a tangible medium or which
3 is stored in an electronic or other medium and is
4 retrievable in perceivable form.

5 (70) "Registered organization" means an organization
6 organized solely under the law of a single State or the
7 United States and as to which the State or the United
8 States must maintain a public record showing the
9 organization to have been organized.

10 (71) "Secondary obligor" means an obligor to the extent
11 that:

12 (A) the obligor's obligation is secondary; or

13 (B) the obligor has a right of recourse with
14 respect to an obligation secured by collateral against
15 the debtor, another obligor, or property of either.

16 (72) "Secured party" means:

17 (A) a person in whose favor a security interest is
18 created or provided for under a security agreement,
19 whether or not any obligation to be secured is
20 outstanding;

21 (B) a person that holds an agricultural lien;

22 (C) a consignor;

23 (D) a person to which accounts, chattel paper,
24 payment intangibles, or promissory notes have been
25 sold;

26 (E) a trustee, indenture trustee, agent,

1 collateral agent, or other representative in whose
2 favor a security interest or agricultural lien is
3 created or provided for; or

4 (F) a person that holds a security interest arising
5 under Section 2-401, 2-505, 2-711(3), 2A-508(5),
6 4-210, or 5-118.

7 (73) "Security agreement" means an agreement that
8 creates or provides for a security interest.

9 (74) "Send", in connection with a record or
10 notification, means:

11 (A) to deposit in the mail, deliver for
12 transmission, or transmit by any other usual means of
13 communication, with postage or cost of transmission
14 provided for, addressed to any address reasonable
15 under the circumstances; or

16 (B) to cause the record or notification to be
17 received within the time that it would have been
18 received if properly sent under subparagraph (A).

19 (75) "Software" means a computer program and any
20 supporting information provided in connection with a
21 transaction relating to the program. The term does not
22 include a computer program that is included in the
23 definition of goods.

24 (76) "State" means a State of the United States, the
25 District of Columbia, Puerto Rico, the United States Virgin
26 Islands, or any territory or insular possession subject to

1 the jurisdiction of the United States.

2 (77) "Supporting obligation" means a letter-of-credit
3 right or secondary obligation that supports the payment or
4 performance of an account, chattel paper, a document, a
5 general intangible, an instrument, or investment property.

6 (78) "Tangible chattel paper" means chattel paper
7 evidenced by a record or records consisting of information
8 that is inscribed on a tangible medium.

9 (79) "Termination statement" means an amendment of a
10 financing statement which:

11 (A) identifies, by its file number, the initial
12 financing statement to which it relates; and

13 (B) indicates either that it is a termination
14 statement or that the identified financing statement
15 is no longer effective.

16 (80) "Transmitting utility" means a person primarily
17 engaged in the business of:

18 (A) operating a railroad, subway, street railway,
19 or trolley bus;

20 (B) transmitting communications electrically,
21 electromagnetically, or by light;

22 (C) transmitting goods by pipeline or sewer; or

23 (D) transmitting or producing and transmitting
24 electricity, steam, gas, or water.

25 (b) Definitions in other Articles. "Control" as provided in
26 Section 7-106 and the following definitions in other Articles

1 apply to this Article:

2 "Applicant". Section 5-102.

3 "Beneficiary". Section 5-102.

4 "Broker". Section 8-102.

5 "Certificated security". Section 8-102.

6 "Check". Section 3-104.

7 "Clearing corporation". Section 8-102.

8 "Contract for sale". Section 2-106.

9 "Customer". Section 4-104.

10 "Entitlement holder". Section 8-102.

11 "Financial asset". Section 8-102.

12 "Holder in due course". Section 3-302.

13 "Issuer" (with respect to a letter of credit or
14 letter-of-credit right). Section 5-102.

15 "Issuer" (with respect to a security). Section 8-201.

16 "Issuer" (with respect to documents of title). Section
17 7-102.

18 "Lease". Section 2A-103.

19 "Lease agreement". Section 2A-103.

20 "Lease contract". Section 2A-103.

21 "Leasehold interest". Section 2A-103.

22 "Lessee". Section 2A-103.

23 "Lessee in ordinary course of business". Section 2A-103.

24 "Lessor". Section 2A-103.

25 "Lessor's residual interest". Section 2A-103.

26 "Letter of credit". Section 5-102.

1 "Merchant". Section 2-104.

2 "Negotiable instrument". Section 3-104.

3 "Nominated person". Section 5-102.

4 "Note". Section 3-104.

5 "Proceeds of a letter of credit". Section 5-114.

6 "Prove". Section 3-103.

7 "Sale". Section 2-106.

8 "Securities account". Section 8-501.

9 "Securities intermediary". Section 8-102.

10 "Security". Section 8-102.

11 "Security certificate". Section 8-102.

12 "Security entitlement". Section 8-102.

13 "Uncertificated security". Section 8-102.

14 (c) Article 1 definitions and principles. Article 1
15 contains general definitions and principles of construction
16 and interpretation applicable throughout this Article.

17 (Source: P.A. 95-895, eff. 1-1-09.)

18 Section 999. Effective date. This Act takes effect upon
19 becoming law.

1 INDEX
2 Statutes amended in order of appearance

3 New Act

4 35 ILCS 105/3-3 new

5 35 ILCS 120/5m new

6 35 ILCS 200/1-130

7 35 ILCS 515/1 from Ch. 120, par. 1201

8 35 ILCS 515/4 from Ch. 120, par. 1204

9 65 ILCS 5/2-3-1.1 from Ch. 24, par. 2-3-1.1

10 210 ILCS 115/2.1 from Ch. 111 1/2, par. 712.1

11 210 ILCS 115/2.10 from Ch. 111 1/2, par. 712.10

12 210 ILCS 117/10

13 430 ILCS 115/2 from Ch. 67 1/2, par. 502

14 430 ILCS 117/10

15 765 ILCS 745/3 from Ch. 80, par. 203

16 810 ILCS 5/9-102 from Ch. 26, par. 9-102